




Town of Arlington
Legal Department

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To: Town Meeting Members
Cc: John Leone, Town Moderator
From: Douglas W. Heim, Town Counsel 
Date: April 30, 2018
Re: Special Town Meeting Article 7: Gender Neutral Language

Members of Town Meeting, in advance of your discussion of Special Town Meeting Warrant Article 7, on May 2, 2018, please find attached a "redline" version of the Arlington Town Manager Act, and a "redline" sample of portions of the Town Bylaws (Title I, Articles 1-10), incorporating gender-neutral and "Select Board" language.

Please note, the attached are for illustrative purposes only. The vote before you does not require the Special Legislation itself to be submitted to be precisely finalized at Town Meeting. Similarly, after consulting with the Municipal Law Unit of the Attorney General's Office, I confirmed that every change of noun or pronoun throughout the entirety of the Town bylaws does not have to be voted upon with specificity. The vote of Town Meeting only need be clear that it is altering the bylaw to replace gendered language with gender-neutral language.

TOWN MANAGER ACT
OF THE
TOWN OF ARLINGTON, MASSACHUSETTS

SECTION 1.

Upon the acceptance of this act by the Town of Arlington, as hereinafter provided, beginning with the year following its adoption, the regular town election of said town for the purpose of electing town officers including town meeting members, in accordance with provisions of this act, and for the submission of questions to the voters of the town, if required to be submitted thereat, shall be held annually on the first Saturday in April, unless otherwise established by the town by-laws and shall be considered part of the annual town meeting held in that year. All articles in the warrant for any regular town meeting to be acted upon and determined otherwise than by ballot shall be considered at a town meeting to be held annually on the fourth Monday of April at eight o'clock in the evening, unless otherwise established by the town by-laws.

SECTION 2. Election of Moderator.

The office shall continue as presently provided in said town.

SECTION 3. Election of ~~Selectmen~~the Select Board.

At the first annual election held in said town after the acceptance of this act, the number of ~~selectmen~~select board members shall be increased to five. Such increase shall be effected in the following manner: the two members of the ~~Board of Selectmen~~Select Board whose terms have not then expired shall continue as such members until the expiration of the terms for which they were respectively elected, and at such annual election there shall be elected one ~~selectman~~select board member for one year, one for two years, and one for three years; and at each annual election thereafter, the town shall elect successors of the members whose terms have expired for the terms of three years. They shall serve until their successors are elected and qualified. When a vacancy occurs among the ~~selectmen~~select board for any reason other than expiration of term, the remaining ~~selectmen~~select board members and the moderator, within thirty days after such vacancy occurs, shall appoint another ~~selectman~~board member to fill the vacancy until the next town election, at which the voters shall elect a ~~selectman~~select board member for the remainder of the unexpired term. A majority of the ballots of the officers entitled to vote shall be necessary to such appointment.

SECTION 4. Appointive Powers of the Selectmen~~Select Board~~.

The ~~selectmen~~select board shall appoint and may remove the town accountant, election officers, the boards of appeal and the registrars of voters, except the Town Clerk as a registrar.

SECTION 5. Election of School Committee.

The election of the school committee shall continue as presently provided in said town except that the number of positions thereon shall be limited to seven. When a vacancy occurs in the membership of the school committee, the remaining members of the school committee shall after one week's notice, fill such vacancy by ballot. A majority of the ballots of the members entitled to vote shall be necessary to such election. The person so appointed shall perform the duties of the office until the next annual election, at which the voters shall elect a member of the school committee for the remainder of the unexpired term.

SECTION 6. Power of the School Committee.

Nothing in this act shall be construed to affect the powers and duties of the school committee as provided by law, except as specifically provided herein.

SECTION 7. Election of Housing Authority.

The election of the elected members of the Arlington Housing Authority shall continue as presently provided.

SECTION 8. Election of Other Officers.

The election of Town Clerk, treasurer and town collector, and assessors shall continue as presently provided. Notwithstanding the election of the officers named in this section, by voters of the town, they shall be subject to the call of the manager for consultation, conference and discussion on matters relating to their respective offices.

SECTION 9. Multiple Officers.

A member of the ~~Board of Selectmen~~ Select Board, or of the school committee, or of the finance committee shall, during the term for which ~~he was~~ they were elected or appointed, be ineligible either by election or appointment to hold any other town office, except the office of town meeting member and except membership on a committee, board or commission when participation of such member is required by Town Bylaw or by a vote of the Town Meeting. Any person appointed by the Town Manager to any town office under the provisions of this act or of any general or special law shall be eligible during the term of said office to appointment to any other town office, except that the town accountant shall not be eligible to hold the position of town treasurer and collector. The Town Manager may, subject to any applicable provision of the General Laws, relating thereto, and subject to the approval of the ~~Board of Selectmen~~ Select Board, assume the duties of any office which ~~he~~ the Manager is authorized to fill by appointment.

SECTION 10. Investigations or Surveys.

For the purpose of making investigations or surveys, the ~~selectmen-select noard~~ may employ such experts, counsel and other assistants and incur such other expenses, not exceeding in any year the sum of one thousand dollars, or such larger sums as may be appropriated for the purpose by the town, as they may deem necessary, and the same shall be paid by the treasurer upon a warrant signed by a majority of the ~~Board-of-Selectmen~~Select Board.

SECTION 11. Appointment of Town Manager.

The ~~selectmen-select board~~ shall appoint, as soon as practicable, for a term of three years a Town Manager, who shall be a professionally qualified person especially fitted by education, training and experience to perform the duties of the office, shall have at least three years' experience of significant municipal management or administrative experience, and shall be a citizen of the United States of America. Upon the expiration of such term the ~~selectmen-select board~~ shall appoint, as soon as possible, but in any event not later than ninety days after the expiration of said term, ~~his-their~~ successor. The Town Manager shall be appointed without regard to ~~his-their~~ political beliefs. ~~He-The Town Manager~~ may be appointed for successive terms of office. Before entering upon the duties of ~~his-their~~ office, the Town Manager shall be sworn to the faithful and impartial performance thereof by the ~~chairman-chairperson~~ of the ~~selectmensselect board~~, or by the Town Clerk, or by a Justice of the Peace. ~~He-The Town Manager~~ shall execute a bond in favor of the town for the faithful performance of ~~his-their~~ duties in such sum and with such surety or sureties as shall be fixed or approved by the ~~selectmen~~select board.

SECTION 12. Temporary Manager or Manager for Unexpired Term.

(a) The Town Manager may, subject to approval by the ~~Board-of-Selectmen~~Select Board, designate, by letter filed with the Town Clerk, a qualified officer of the town as temporary Town Manager to perform the duties of the manager during ~~his-their~~ temporary absence or ~~his-their~~ temporary disability, except during removal proceedings. In the event of the failure of the manager to make such designation, the ~~selectmen-select board~~ shall forthwith, by resolution, designate an officer of the town to perform the duties of, and have the power of, the manager, until the manager shall return or ~~his-their~~ disability shall cease.

(b) When a vacancy occurs in the office of Town Manager for any reason other than for expiration of ~~his-their~~ term, the ~~selectmen-select board~~ shall appoint, as soon as possible, but in any event not later than ninety days after such vacancy occurs, a Town Manager for the balance of the unexpired term. Such appointment shall, in so far as practicable, be subject to the same conditions and qualifications for the office of Town Manager as set forth in section eleven; if not so practicable, the ~~selectmen-select board~~ shall so appoint a qualified officer of the town as acting manager for the balance of the unexpired term.

SECTION 13. Removal of Manager.

The ~~selectmen~~select board, by a majority vote of the full membership of the board, may remove the Town Manager. At least twenty days before proposed removal shall become effective, the ~~selectmen~~select board shall file a preliminary written resolution with the Town Clerk setting forth in detail the specific reasons for the proposed removal of the Town Manager, a copy of which resolution shall be delivered to the Town Manager. The manager, within twenty days after notice, so filed, may reply in writing to the resolution and may request a public hearing. If the manager so requests, the ~~Board of Selectmen~~Select Board shall hold a public hearing not earlier than twenty days not later than thirty days after the filing of such request. The manager shall have the right to representation by counsel, to produce witnesses and exhibits on ~~his~~their behalf, and to cross-examine witnesses. After such public hearing, if any, otherwise at the expiration of thirty days following the filing of the preliminary resolution, and after full consideration, the ~~selectmen~~select board by a majority vote of the full membership of the board may adopt a final resolution of removal. In the preliminary resolution, the ~~selectmen~~select board may suspend the manager from duty, but in any case ~~his~~their salary shall continue to be paid until the expiration of one month from the date of adoption of the final resolution of removal.

SECTION 14. Compensation of Manager.

The Town Manager shall receive such compensation for ~~his~~their services as may be appropriated by the town, and any Town Manager appointed for an unexpired term, who meets the requirements of section eleven, shall receive such compensation as is recommended by the ~~selectmen~~select board, which shall not exceed the amount appropriated therefor by the town.

SECTION 15. Powers and Duties of Manager.

In addition to the specific powers and duties provided in this act the Town Manager shall have the general powers and duties enumerated in this section:

(a) The Town Manager shall supervise and direct the administration of all departments, commissions, boards and offices, except the ~~Board of Selectmen~~Select Board, the School Committee, Moderator, Town Clerk, Town Treasurer and Collector, Comptroller and Coordinator of Data Processing, Assessors, Registrars of Voters, Election Officers, Boards of Appeal, the Finance Committee, the Capital Budget Committee and the Personnel Review and Appeals Board.

While the town manager shall not supervise the board of assessors as an elected body, the town manager shall supervise and direct the administration of the assessors' office and appoint the director of assessments in accordance with subsection (c). The director of assessments and all other assessors' office personnel, except for the board of assessors, employed or in office when this act takes effect shall continue in their respective positions subject to chapter 31 or 150E of the General Laws, or both such chapters, if applicable, but otherwise subject to removal by the town manager as provided in this section.

Nothing in this section shall otherwise abridge the authorities or responsibilities of the board of assessors as set forth in chapter 41 of the General Laws or any other general law.

(b) The Town Manager, in accordance with the provisions of this act and except as otherwise expressly prohibited by the General Laws, may reorganize, consolidate or abolish departments, commissions, boards or offices under ~~his-their~~ direction and supervision, in whole or in part, may establish such new departments, commissions, boards and offices as ~~he~~ the Manager deems necessary and make appointments to such boards, subject to the approval of the ~~Board of Selectmen~~Select Board. ~~He~~The Town Manager may in connection with such transfer of such powers or duties transfer the duties and powers of one department, commission, board or office to another and may, with the approval and consent of the finance committee, transfer the appropriation of such one department, commission, board or office to another. The Town Manager may temporarily establish such new positions, as ~~he~~the Manager deems necessary and appoint temporary employees thereto. Such positions shall be placed under the Classification and Pay Plans at the next succeeding special or annual town meeting.

(c) Subject to the provisions of chapter thirty-one of the General Laws where applicable, and except as otherwise provided by this act, the Town Manager shall appoint upon merit and fitness alone, and may transfer and remove all officers and employees of the town, including maintenance employees of the school department and school custodians, but excluding other employees of the school department. Town officers and full-time employees not subject to said chapter thirty-one shall not be removed by ~~him~~the Town Manager except on ten working days' notice in writing to said officer or employee, setting forth the cause of such removal.

(d) Subject to all applicable provisions of chapter thirty-one of the General Laws, and subject to the classification plan as established now or hereafter by the town by-laws, the Town Manager shall fix the compensation of all town officers and employees subject to removal by ~~him~~the Town Manager.

(e) The Town Manager shall keep full and complete records of ~~his-the Manager's~~their office, and shall render as often as may be required by the ~~selectman-select board~~ a full report of ~~his-the Manager's~~ management during the period reported on.

(f) The Town Manager shall keep the ~~selectmen- select board~~ fully advised as to the needs of the town and shall recommend to the ~~selectmen- select board~~ for adoption such measures requiring action by them or by the town as ~~he~~the Town Manager may deem necessary or expedient.

(g) The Town Manager shall have jurisdiction over the rental and use of all town property, except schools. ~~He~~The Town Manager shall be responsible for the maintenance and repair of all town property including school buildings. Except as otherwise voted by the town, the school committee shall be responsible for the study, consideration and recommendations as to construction, reconstruction, alterations, improvements and other undertakings pertaining to school buildings or property. Except as otherwise voted by the town, the Town Manager shall be responsible for the preparation of plans and the supervision of work relating thereto, authorized by the town. Except as otherwise voted by the town, the Town Manager shall be responsible for

the preparation of plans and the supervision of work on all other construction, reconstruction, alterations, improvements and other undertakings authorized by the town.

(h) The Town Manager shall purchase all supplies and materials and equipment, except educational supplies, and books for schools, and books for libraries. ~~He~~The Manager shall make purchases for departments not under ~~his~~the Manager's supervision only in accordance with requisitions duly signed by the heads of such departments. The Town Manager may delegate such purchasing power. Except as otherwise herein provided, ~~he~~the Town Manager shall award all contracts for all departments of the town.

(i) The Town Manager shall, with the approval of the ~~selectmen~~select board, have authority to prosecute, defend and compromise all litigation, except that which pertains to tax assessments and abatements, to which the town is a party, and to employ special counsel to assist the town counsel whenever in ~~his~~the Manager's judgment it may be necessary.

(j) The Town Manager shall perform such other duties, consistent with ~~his~~their office, as may be required of him by the by-laws or vote of the town or by vote of the ~~selectmen~~Select Board.

SECTION 16. Investigations by the Manager.

The Town Manager may without notice cause the affairs of any division or department under ~~his~~their control or the conduct of any officer or employee thereof to be examined. The Town Manager shall have access to all town books and papers for information necessary for the proper performance of ~~his~~their duties.

SECTION 17. Appointment of Redevelopment Board.

The Redevelopment Board shall consist of five members, four to be appointed by the Town Manager, subject to the approval of the ~~Board of Selectmen~~Select Board, and one to be appointed by the department of community affairs, hereinafter in this section referred to as the department. One of said persons shall be appointed to serve for an initial term of one year, two of said persons shall be appointed to serve for an initial term of two years, and one of said persons shall be appointed to serve for an initial term of three years. The member appointed by the department shall serve for an initial term of three years. Thereafter, as the term of a member expires, ~~his~~their successor shall be appointed in the same manner and by the same body for a term of three years from such expiration. The members shall serve until their respective successors are appointed and qualified. If for any reason a vacancy occurs in the membership of the Redevelopment Board, the vacancy shall be filled forthwith in the same manner and by the same body for the unexpired term. The Town Manager may make or receive written charges against, and may accept the written resignation of, any member appointed by the Town Manager or a former Town Manager or may, after hearing and with the approval of the ~~Board of Selectmen~~Select Board, remove any such member because of inefficiency, neglect of duty, or misconduct in office. Such member shall be given, not less than fourteen days before the date set for such hearing, a copy in writing of the charges against ~~him~~them and written notice of the date and place of the hearing to be held thereon, and at the hearing ~~he~~they shall be given the

opportunity to be represented by counsel and to be heard in ~~his~~their defense. The Town Manager may make and receive written charges against the member of the Redevelopment Board appointed by the department and refer the same to the department which will proceed in the same manner as the Town Manager and the ~~Board of Selectmen~~Select Board.

Pending final action upon such charges, the officer or officers having the power to remove such member may temporarily suspend ~~him~~them, provided they shall immediately reinstate ~~him~~the member in office if they find such charges have not been substantiated, and may appoint a person to perform the duties of such suspended member until ~~he is~~they are reinstated or removed and ~~his~~their successor is qualified. In case of any such removal, the removing authority shall forthwith deliver to the clerk of the town attested copies of such charges and of its findings thereon and the clerk shall cause the same to be filed with the department and the state secretary. Membership shall be restricted to residents of the town and a member who ceases to be a resident of the town shall be deemed to have resigned effective upon the date of ~~his~~their change of residence.

Members of the board shall be sworn to the faithful performance of their duties by the Town Clerk or a Justice of the Peace. The board shall organize for the proper conduct of its duties, shall elect from among its members a ~~chairman~~chairperson and a vice-~~chairman~~chairperson, shall appoint such other officers and agents as it deems necessary, shall determine their respective duties and may delegate to one or more of its members, officers or agents such powers and duties as it deems necessary or proper for the carrying out of any action determined upon by it. The director of planning and community development, hereinafter called the director, shall be ex-officio the secretary of the board. The director shall be appointed by the Town Manager to serve at ~~his~~their pleasure; neither chapter thirty-one of the General Laws nor any rule made thereunder shall apply to the director.

The town, acting by and through the Redevelopment Board, shall, except as herein specifically provided otherwise, be and have all the powers of an operating agency subject to the limitations provided in sections forty-five to fifty-nine, inclusive, of chapter one hundred and twenty-one B of the General Laws, and have such further powers and be subject to such further limitations as would from time to time be applicable to a redevelopment authority if such an authority had been organized in the town; provided, however, that notwithstanding sections eleven, forty-seven and forty-eight of said chapter one hundred and twenty-one B, no urban renewal project or rehabilitation project shall be undertaken by the Redevelopment Board, nor shall any property be acquired for any such project by eminent domain or otherwise, until the plan for such project has been approved by an annual or special town meeting; and provided further, that the Redevelopment Board shall not borrow or agree to borrow money without the approval of an annual or special town meeting. Without limiting the generality of the foregoing, the town, with the approval of an annual or special town meeting may raise and appropriate, or may borrow, or may agree to raise and appropriate or to borrow, or may do or agree to do other things with or without consideration, in aid of any project or activity planned or undertaken by the Redevelopment Board to the same extent and subject to the same limitations as if the board were a redevelopment authority.

Nothing herein shall, however, alter or limit the powers and rights of the town or any other operating agency therein with respect to the powers and limitations in sections twenty-five to forty-four, inclusive, of said chapter one hundred and twenty-one B.

Section 2. The Redevelopment Board shall have all the powers and perform all the duties presently or from time to time hereafter conferred or imposed by statute or by-law or otherwise on planning boards of towns in the commonwealth established under the provisions of section eighty-one A of chapter forty-one of the General Laws and the town of Arlington shall be deemed to have a planning board established under said section eighty-one A and shall be empowered to take such actions and shall have such powers and perform such duties as it if had established a planning board under said section eighty-one A, except that the Redevelopment Board shall not have any of the powers or perform any of the duties of, or in conflict with the powers or duties of, a board of survey all of which powers and duties shall continue to be exercised and performed by the ~~Board of Selectmen~~Select Board constituted as a board of survey unless and until such town by vote of a town meeting shall vote to terminate the existence of the board of survey or to accept the provisions of the subdivision control law contained in sections eighty-one K to eighty-one GG, inclusive, of said chapter forty-one and any amendments thereof or additions thereto, and the subdivision control law shall not be or be deemed to be in effect in such town unless and until such town by vote of a town meeting shall vote to accept the provisions thereof.

SECTION 18.

(Deleted by Section 3 of Chapter 738 of the Acts of 1971)

SECTION 19. Appointment of Board of Health.

The Town Manager, subject to the approval of the ~~Board of Selectmen~~Select Board, shall appoint a board of health to consist of three suitably qualified persons. One of said persons shall be appointed for a term of one year, one for a term of two years, and one for a term of three years; and annually thereafter there shall be appointed by the Town Manager, subject to the approval of the ~~Board of Selectmen~~Select Board, a member for a term of three years in the place of the member whose term is to expire. The members shall serve until their successors are appointed and qualified. If for any reason a vacancy occurs in the membership of the board of health, the vacancy shall be filled forthwith by the Town Manager, subject to the approval of the ~~Board of Selectmen~~Select Board, for the unexpired term. Upon the appointment and qualification of the members of the board of health as provided in this section the terms of office of the members of the then existing board of health of the town shall terminate. The board of health appointed hereunder shall organize for the proper conduct of their duties and shall possess all the powers and rights and be subject to all the duties and liabilities conferred or imposed by law upon boards of health of towns, but in the performance of their duties they shall be subject to the general supervision and direction of the Town Manager. They shall be sworn to the faithful performance of their duties by the Town Clerk or by a Justice of the Peace.

SECTION 20. Appointment of a Park and Recreation Commission.

The Town Manager, subject to the approval of the ~~Board of Selectmen~~Select Board, shall appoint a Park and Recreation Commission to consist of five suitably qualified persons. One of said persons shall be appointed for a term of one year, two for a term of two years, and two for a term of three years; and annually thereafter there shall be appointed by the Town Manager, subject to the approval of the ~~Board of Selectmen~~Select Board, a member for a term of three years in the place of the member whose term is to expire. The members shall serve until their successors are appointed and qualified. If for any reason a vacancy occurs in the membership of the Park and Recreation Commission, the vacancy shall be filled forthwith by the Town Manager, subject to the approval of the ~~Board of Selectmen~~Select Board, for the unexpired term. Upon the appointment and qualification of the members of the Park and Recreation Commission as provided in this section the terms of office of the members of the then existing Board of Park Commissioners of the Town shall terminate. The members of the Park and Recreation Commission appointed hereunder shall organize for the proper conduct of their duties and shall possess all the powers and rights and be subject to all the duties and liabilities conferred or imposed by law upon the Board of Park Commissioners of towns, but in the performance of their duties they shall be subject to the general supervision and direction of the Town Manager. They shall be sworn to the faithful performance of their duties by the Town Clerk or by a Justice of the Peace.

SECTION 21. Appointment of Board of Cemetery Commissioners.

The Town Manager, subject to the approval of the ~~Board of Selectmen~~Select Board, shall appoint a Board of Cemetery Commissioners to consist of three suitably qualified persons. One of said persons shall be appointed for a term of one year, one for a term of two years, and one for a term of three years; and annually thereafter there shall be appointed by the Town Manager, subject to the approval of the ~~Board of Selectmen~~Select Board, a member for a term of three years in the place of the member whose term is to expire. The members shall serve until their successors are appointed and qualified. If for any reason a vacancy occurs in the membership of the Board of Cemetery Commissioners, the vacancy shall be filled forthwith by the Town Manager, subject to the approval of the ~~Board of Selectmen~~Select Board, for the unexpired term. Upon the appointment and qualification of the members of the Board of Cemetery Commissioners as provided in this section the terms of office of the members of the then existing Board of Cemetery Commissioners of the Town shall terminate. The Board of Cemetery Commissioners appointed hereunder shall organize for the proper conduct of their duties and shall possess all the powers and rights and be subject to all the duties and liabilities conferred or imposed by law upon Boards of Cemetery Commissioners of Towns, but in the performance of their duties they shall be subject to the general supervision and direction of the Town Manager. They shall have administration of all cemetery trust funds. They shall be sworn to the faithful performance of their duties by the Town Clerk or by a Justice of the Peace.

SECTION 22. Appointment of Board of Library Trustees.

The Town Manager, subject to the approval of the ~~Board of Selectmen~~Select Board, shall appoint a Board of Library Trustees to consist of seven suitably qualified persons. One of said persons shall be appointed for a term of one year, two for a term of two years, and four for a term of three years; and annually thereafter there shall be appointed by the Town Manager, subject to the approval of the ~~Board of Selectmen~~Select Board, a member for a term of three years in the place of the member whose term is to expire. The members shall serve until their successors are appointed and qualified. If for any reason a vacancy occurs in the membership of the Board of Library Trustees, the vacancy shall be filled forthwith by the Town Manager, subject to the approval of the ~~Board of Selectmen~~Select Board, for the unexpired term. Upon the appointment and qualification of the members of the Board of Trustees as provided in this section the terms of office of the then existing Board of Library Trustees shall terminate. The Board of Library Trustees appointed hereunder shall organize for the proper conduct of their duties and shall possess all the powers and rights and be subject to the duties and liabilities conferred or imposed by law upon boards of library trustees of towns, but in the performance of their duties they shall be subject to the general supervision and direction of the Town Manager. They shall have administration of all library trust funds. They shall be sworn to the faithful performance of their duties by the Town Clerk or a Justice of the Peace.

SECTION 23. Appointment of Board of Commissioners of Trust Funds.

The Town Manager, subject to the approval of the ~~Board of Selectmen~~Select Board, shall appoint a Board of Commissioners of Trust Funds to consist of three suitably qualified persons. One of said persons shall be appointed for a term of one year, one for a term of two years, and one for a term of three years; and annually thereafter there shall be appointed by the Town Manager, subject to the approval of the ~~Board of Selectmen~~Select Board, a member for a term of three years in the place of the member whose term is to expire. The members shall serve until their successors are appointed and qualified. If for any reason a vacancy occurs in the membership of the Board of Commissioners of Trust Funds, the vacancy shall be filled forthwith by the Town Manager, subject to the approval of the ~~Board of Selectmen~~Select Board, for the unexpired term. Upon the appointment and qualification of the members of the Board of commissioners of Trust Funds as provided in this section the terms of office of the then existing trustees of Trust Funds of the Town shall terminate, except those trustees appointed pursuant to the terms of a trust instrument or will, and those trustees appointed pursuant to the provisions of any special law or town by-law. The Board of Commissioners of Trust Funds appointed hereunder shall organize for the proper conduct of their duties and shall possess all the powers and rights and be subject to all the duties and liabilities conferred or imposed by law upon boards of commissioners of trust funds of town, but in the performance of their duties they shall be subject to the general supervision and direction of the Town Manager. They shall have administration of all trust funds of the town except those trust funds under the administration of a trustee or trustees appointed pursuant to the terms of a trust instrument or will or pursuant to the provisions of any special law or town by-law, and except the Cemetery Trust Funds and the Library Trust Funds. They shall be sworn to the faithful performance of their duties by the ~~Chairman~~Chairperson of the ~~Selectmen~~Select Board or by a Justice of the Peace.

SECTION 24. Human Resource Department

The Town Manager shall appoint a suitably qualified person to be Human Resource Director of the Town, who shall have overall supervision of the Human Resource Department of the Town, and who shall be responsible for the development and implementation of personnel policies and procedures based on the concept of merit. It shall be the duty of the Director to administer the pay and classification plans as now or hereinafter provided in the town by-laws, to maintain employee records, and to perform such other duties as may be assigned by a vote of the town meeting. All Town Appointing Authorities shall process the hiring of staff through the Town Human Resource Department. The Human Resource Department will work with Town Appointing Authorities to prepare job descriptions and job posting materials, will post positions and receive application materials, and will turn application materials over to Appointing Authorities for their consideration and final decision.

Upon the School Department, as provided for under Chapter 71 Section 37M, of the Massachusetts General Laws, voting to consolidate its human resource functions with those of the Town, all of the duties described above relating to the School Department are subject to review and approval by the Superintendent of Schools, and the Town Manager shall seek input from the Superintendent of Schools relating to the appointment and performance evaluation of the Director of the Human Resource Department.

Section 24A. Human Resource Board.

There shall be established a Human Resource Board, which shall consist of three members to be appointed by the Town Manager. Each member shall be selected on the basis of professional experience and expertise in the area of personnel administration. Said Human Resource Board shall be empowered, after consultation with the Human Resource Director, to hear and rule on employee appeals of adverse reclassification determinations of the Human Resource Director. Said Human Resource Board shall perform such other functions as may be provided for in the town by-laws or in a collective bargaining agreement. Implementation of this section shall be guided by the town bylaws.

SECTION 25. Tree Warden.

The Town Manager, subject to the approval of the ~~Board of Selectmen~~Select Board, shall appoint a suitably qualified person to the office of Tree Warden. The existing elective office of Tree Warden shall be continued until the person appointed to said office of Tree Warden shall have qualified, at which time the elective office of Tree Warden shall terminate. The Tree Warden shall have the powers, perform the duties and be subject to the liabilities and penalties now or hereafter conferred or imposed by law upon tree wardens but in the conduct of ~~his~~their office ~~he~~they shall be subject to the supervision and direction of the Town Manager. The tree warden shall be sworn to the faithful performance of ~~his~~their duties by the Town Clerk or a Justice of the Peace.

SECTION 26.

The ~~Board of Selectmen~~Select Board of the Town of Arlington, as constituted from time to time, from and after the first annual election following the acceptance of this act, shall also be a Board of Public Works, and in said capacity shall have and exercises, under the designation of ~~Selectmen~~Select Board, all the powers, rights and duties possessed just prior to said election by the Board of Public Works or Board of Survey of said town created under chapter three of the acts of nineteen hundred and four, and vested just prior to said election and from time to time by general law in surveyors of highways, road commissioners, water commissioners or sewer commissioners; and said Board of Public Works so created shall thereupon be abolished during the time that this section is in operation, and during such time the operation of said chapter three shall be suspended. No contracts or liabilities then in force shall be affected by such abolition, but the ~~Selectmen~~Select Board, acting as said Board of Public Works, shall in all respects be the lawful successor of the board so abolished.

SECTION 27. Department of Public Works.

There shall be established, by the ~~Board of Selectmen~~Select Board, a Department of Public Works as herein provided. The Town Manager shall appoint a suitably qualified person to the Office of Superintendent of Public Works. The Superintendent of Public Works in office when this act becomes effective shall continue in office subject to the provisions of chapter thirty-one of the General Laws, if applicable, but otherwise subject to removal by the Town Manager as provided herein. The Superintendent of Public Works shall have the powers, perform the duties and be subject to the liabilities and penalties now or hereafter imposed by law upon a superintendent of streets in towns and such other duties as may be assigned to ~~him~~them. In the performance of ~~his~~their duties ~~he~~they shall be subject to the general supervision and direction of the Town Manager. ~~He~~They shall be sworn to the faithful performance of ~~his~~their duties by the Town Clerk or by a Justice of the Peace. The Town Manager shall establish such divisions and subordinate offices within the Department of Public Works as ~~he~~the Town Manager deems necessary and shall prescribe the powers, rights, duties and liabilities of the same.

SECTION 28. Appointment of Town Counsel.

The Town Manager shall appoint annually an attorney-at-law to act as Town Counsel, whose duties it shall be to commence and prosecute all actions and other proceedings on behalf of the Town, and to defend all actions and proceedings brought against the Town or any of its officers in their official capacity as such. ~~He~~Town Counsel shall also appear before legislative committees, other boards, commissions and public officials or bodies, on behalf of the Town whenever ~~his~~their services may be required. ~~He~~Town Counsel shall prepare all contracts, deeds and other legal instruments of the Town. Upon request by the Town Manager or by any other officer or board of the Town on a subject concerning the Town or related to the performance of the official duties of such officer or board, ~~he~~they shall furnish a legal opinion thereon; but whenever the opinion is required to be in writing, the question submitted for ~~his~~their consideration shall also be in writing. ~~He~~Town Counsel shall perform such other legal services as may be requested of ~~him~~them, by vote of the Town, the ~~Board of Selectmen~~Select Board or the Town Manager.

SECTION 29. Approval of Warrants.

Warrants for the payment of town funds prepared by the town accountant in accordance with the provisions of section fifty-six of chapter forty-one of the General Laws shall be submitted to the Town Manager for ~~his~~their approval in lieu of the approval of the ~~Board of Selectmen~~Select Board, but the ~~Selectmen~~Select Board shall approve all warrants in the event of the absence or disability of the Town Manager or a vacancy in the Office of the Town Manager.

SECTION 30. Officers, Agents and Employees of the Town not to make Contracts with the Town, nor to Represent Persons in Certain Criminal Proceedings.

No town officer or member of any board or committee chosen by the Town, or any agent of any such officer, board or committee, shall have any pecuniary interest in any contract, agreement, sale, bargain or the settlement of any claim by or against the Town made or approved on behalf of the Town by ~~himself~~themselves or any board or committee of which ~~he is~~they are a member or for which ~~he~~they may act as agent and no such officer, member or agent shall represent a claimant or defendant in any legal proceeding, civil or criminal, by or against the Town or any of its officers or agents acting in their official capacities. No such officer, member or agent shall represent a defendant in any criminal proceeding instituted by a member of the police department for the prosecution of a crime committed within the jurisdiction of such department or for any violation of the By-Laws of the Town.

SECTION 31. Estimates of Expenditures.

On or before the second business day of January each year, all boards and departments not under the control of the Town Manager shall submit to the Town Manager in writing detailed estimates for their respective boards or departments of the fiscal requirements for the ensuing fiscal year. These submissions shall include detailed estimates of any revenues that support their budgets and shall be in a format as required by the Town.

Manager or as provided by Town bylaws. No later than the fifteenth day of January each year, the Town Manager shall submit to the ~~Selectmen~~Select Board, with copies to each member of the Finance Committee, a careful detailed estimate in writing of the fiscal requirements for the ensuing fiscal year of each fund and department of the Town along with a detailed listing of all projected revenues to support these requirements.

The Town Manager shall state the amount required to meet the interest and maturing bonds and notes or other outstanding indebtedness of the Town. All the estimates required by this section shall include a statement of the budgeted amount for the current year and the actual expenditures for the two preceding years.

SECTION 32. Preparation of an Annual Budget and Final Budget Document.

The ~~Selectmen~~Select Board shall consider the estimates submitted by the Town Manager and other department heads, and shall on or before the first day of February each year transmit their recommendations relative thereto to each member of the Finance Committee. On or before the first day of September each year, the Comptroller shall prepare and submit to the ~~Selectmen~~Select Board, the Town Manager, and all other boards and departments not under the control of the Town Manager, including the School Department, a final budget document setting forth the boards and departments of the Town by name and the categories of expenditures from all sources to be made during the fiscal year. The name of the fund and the amount it contributes to each board and departmental budget shall be identified. A comparison of prior year budgeted to actual expenditures shall be included for each board and department in total. The budget shall include a summary schedule of all major revenues, expenditures and other financing sources of the Town. An update shall be prepared and distributed within thirty days of final adjournment of a Special Town Meeting wherein additional appropriations have been voted.

SECTION 33. Appointment of Finance Committee.

There shall be a Finance Committee the members of which shall be registered voters of the Town. There shall be one from each precinct of the Town and one member at large except if the number of precincts at any time is uneven in number, there shall be no member at large. If the appointing committee is unable to secure an appropriate candidate from any precinct of the town, then the committee may appoint a substitute member, preferably from an adjacent precinct or a member-at-large to serve in place of the member from that precinct, but no precinct shall have more than 2 members, nor shall there be more than 3-at-large members at any given time. The term of a substitute or at-large member shall expire on October 31 of the fiscal year following the fiscal year in which the member was appointed. No substitute or at-large member shall be appointed to fill a vacant position on the Finance Committee unless no qualified applicant from the precinct applies for appointment before December 15. Except as hereinafter provided, the Finance Committee shall be appointed by an appointing committee of three members, composed of the Moderator, the ~~Chairman~~Chairperson of the Finance Committee, and the ~~Chairman~~Chairperson of the Board of Trust Fund Commissioners, within twenty days after the final adjournment of the Annual Town Meeting. They shall be constituted and function as provided now or hereafter in the By-Laws of the Town when not inconsistent herewith. Those members of the Finance Committee when this act takes effect whose terms have not expired shall continue until expiration thereof. Vacancies shall be filled by the appointing power as provided now or hereafter by the Town By-Laws.

SECTION 34. Free Access to Financial Data.

In the discharge of its duty, said committee shall have free access to all books of records and accounts, payrolls, bills and vouchers on which money has been or may be paid from the town treasury. Officers, boards and committees of the Town shall, upon request, furnish such information pertaining to their several activities as said committee may require.

SECTION 35. Annual Report.

It shall be the duty of the Finance Committee to make an annual report of its doings, with recommendations relative to financial matters and the conduct of town business, which shall be included in the Annual Town Report.

SECTION 36. Holder of an Elective Office may be recalled.

Any holder of an elective office may be recalled therefrom by the registered voters of the Town as herein provided.

SECTION 37. Recall Petition, Preparation, Filing.

Any fifty registered voters of the Town may file with the Town Clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. The Town Clerk shall thereupon deliver to said voters making the affidavit copies of petition blanks demanding such recall, printed forms of which ~~he the Town Clerk~~ shall keep available. The blanks shall be issued by the Town Clerk with this signature and official seal attached thereto. They shall be dated, shall be addressed to the ~~Selectmen~~Select Board, and shall contain the names of the fifty persons to whom they are issued, the name of the person whose recall is sought, the grounds of recall as stated in the affidavit, and shall demand the election of a successor in said office. A copy of the petition shall be entered in a record book to be kept in the Office of the Town Clerk. The recall petition shall be returned and filed with the Town Clerk within twenty days after the filing of the affidavit, and shall have been signed by at least twenty per cent of the registered voters of the Town, who shall add to their signatures the street and number, if any, of their residences.

The Town Clerk shall submit the petition to the Registrars of Voters in the Town, and the Registrars shall forthwith certify thereon the number of signatures which are names of registered voters of the Town.

SECTION 38. Removal and Election.

If the petition shall be found and certified by the Town Clerk to be sufficient, ~~he the Town Clerk~~ shall submit the same with ~~his their~~ certificate to the ~~Selectmen~~Select Board without delay, and the ~~Selectmen~~Select Board shall forthwith give written notice of the receipt of the certificate to the officer sought to be recalled, and shall, if the officer does not resign within five days thereafter, thereupon order an election to be held on a Tuesday fixed by them not less than twenty-five nor more than thirty-five days after the date of the Town Clerk's certificate that a sufficient petition is filed; provided, however, that if any other town election is to occur within sixty days after the date of the certificate, the ~~Selectmen~~Select Board shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this act.

SECTION 39. Nomination of Candidates.

The question of recalling any number of officers may be submitted at the same election. But as to each officer whose recall is sought there shall be a separate ballot. The nomination of candidates to succeed an officer whose recall is sought, the publication of the warrant for the recall election and the conduct of such election shall all be in accordance with the provisions of the General Laws applicable thereto.

SECTION 40. Ballots.

Ballots used in a recall election shall submit the following propositions in the order indicated:

Against the recall of (name of officer).

For the recall of (name of officer).

Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (X), may vote for either of the said propositions. Under the proposition shall appear the word "Candidates," the directions to voters required by section four of chapter fifty-four A of the General Laws, and beneath this the names of candidates nominated as hereinbefore provided.

SECTION 41. Election. If a majority of the votes cast on the question of recalling an officer shall be against ~~his~~their recall, ~~he~~they shall continue in office but subject to recall as provided in this act. If a majority of such votes be for the recall of the officer designated on the ballot, ~~he~~they shall, regardless of any defects in the recall petition be deemed removed from office. When an officer is recalled from office, the candidate to succeed the officer recalled shall be determined in accordance with the provisions of General Laws applicable thereto.

SECTION 42. Election in Event of Resignation. If an office in regard to which a sufficient recall petition is filed becomes vacant before the ballots are printed, the election shall be held as hereinbefore provided, except that the title of the ballot shall be "Town Election", that the propositions in regard to the recall shall be omitted from the ballot, and that above the names of the candidates there shall appear on the ballot the words "Candidates to succeed (Name of officer) resigned." (If ~~they~~he resigned ~~his~~their office.)

SECTION 43. Subsequent Recall.

No recall petition shall be filed against an officer within three months after ~~he~~they takes office, nor in the case of an officer subjected to a recall election and not recalled thereby, until at least three months after the election at which his recall was submitted to the voters of the Town.

SECTION 44. PERSON RECALLED NOT TO BE APPOINTED TO ANY TOWN OFFICE WITHIN TWO YEARS.

No person who has been recalled from an office, or who has resigned from office while recall proceedings were pending against him, shall be appointed to any town office within two years after such recall or such resignation.

SECTION 45. DUTIES OF CERTAIN TOWN OFFICIALS RELATIVE TO ELECTION.

It shall be the duty of the ~~Selectmen~~ Select Board and the Town Clerk in office and any other town official upon whom by reason of ~~his~~ their office a duty devolves under the provisions of this act, when this act is accepted by the registered voters as herein provided, to comply with all the requirements of law relating to elections, to the end that all things may be done necessary for the nomination and election of the officers first to be elected under this act.

SECTION 46. BY-LAWS, RULES, ETC.

All laws, by-laws, rules and regulations in force in the Town of Arlington when this act takes effect, not inconsistent with its provisions, whether enacted by authority of the Town or any other authority, shall continue in full force and effect until otherwise provided by law, by-law or vote; all other laws, by-laws, rules and regulations, so far as they refer to the Town of Arlington, are hereby repealed and annulled, but such repeal shall not revive any pre-existing enactment.

SECTION 47.

This act shall be submitted to the qualified voters of the Town of Arlington for acceptance at the biennial state election in the current year, in the form of the following question which shall be placed on the official ballot to be used in said Town at said election: - "Shall an act passed by the general court in the year nineteen hundred and fifty-two entitled 'An Act establishing a Town Manager form of Government for the Town of Arlington', be accepted?" If this act shall be by a majority of the qualified voters voting thereon, it shall take effect immediately following the next Annual Town Election for the purpose of the appointment by the ~~Selectmen~~ Select Board as herein provided of a Town Manager.

All budgets and estimates of appropriations required for the current fiscal year prepared by head of departments under ~~his~~ the Town Manager's control prior to the Annual Town Meeting shall be subject to the supervision and approval of the Town Manager. Upon acceptance by a majority of the qualified voters as herein provided, this act shall also take effect for the purpose of the annual meeting for the year following its acceptance and for all things that pertain to said election, and shall take full effect upon the election and qualifications of the ~~Selectmen~~ Select Board, except as herein provided. If this act is rejected by the qualified voters of the Town of Arlington, when first submitted to said voters under this section, it shall be submitted for acceptance in like manner to such voters at the biennial state election in the year nineteen hundred and fifty-four, and, if accepted by a majority of such voters voting thereon at either of said elections, shall take effect as hereinbefore provided.

SECTION 48. REVOCATION OF ACCEPTANCE.

At any time after the expiration of three years from the date on which this act is accepted, and not less than sixty days before the date of an annual meeting, a petition, signed by not less than twenty per cent of the registered voters of the Town, may be filed with the ~~Selectmen~~Select Board, requesting that the question of revoking the acceptance of this act be submitted to the voters. Thereupon the ~~Selectmen~~Select Board shall cause the question of revocation of the acceptance to be placed on the ballot at the next annual election. At said election the vote shall be taken in answer to the following question which shall be printed on the official ballot: "Shall the acceptance by the Town of Arlington of an act passed by the General Court in the year nineteen hundred and fifty-two, entitled 'An Act establishing a Town Manager form of Government for the Town of Arlington' be revoked?" If such revocation is favored by a majority of the voters voting thereon by ballot, the acceptance of this act shall be revoked and this act shall become null and void beginning with the Annual Town Meeting next following such vote, which meeting shall be held at such time, in conformity with general law, as may be determined by vote of the Town provided, that all town officers holding office under this act shall continue to hold office until their successors have been duly qualified. At the first Annual Town Election following such vote of revocation the registered voters of the Town shall elect by ballot all elective officers and boards whose election to office was required prior to the acceptance of this act and the terms of office shall be so arranged that there shall be elected annually thereafter such officers as were elected annually prior to the acceptance of this act. It shall be the duty of the ~~Selectmen~~Select Board and the Town Clerk in office and any other town official upon whom by reason of ~~his~~their office a duty devolves when this act is revoked, to comply with all the requirements of this section relating to elections, to the end that all things may be done necessary for the nomination and election of the officers required to be elected following the revocation

of this act. The said revocation shall not affect any contract then existing or any action at law or any suit in equity or any other proceeding then pending, with the exception of any contract made by the Town with the Town Manager then in office, whose office shall be abolished upon the effective date of the said revocation. Any special laws relative to said Town which are repealed by this act shall be revived by such revocation.

Any By-Law in force when said revocation takes effect, so far as consistent with the general laws respecting town government and town officers and with said special laws, shall not be effected thereby.

SECTION 49.

The provisions of this act are severable, and if any of its provisions shall be held invalid, such invalidity shall not affect or impair any of the remaining provisions.

SAMPLE OF GENDER-NEUTRAL TOWN BYLAWS: TITLE I, ARTICLES 1-10

ARTICLE 1: TOWN MEETINGS

Section 1. Date of Annual Meeting and Adjournment

ART. 93, ATM, 5/23/88; ART. 12, ATM, 5/9/94

The Annual Town Meeting for the purposes of conducting the regular Town Election of Town officers including Town meeting members, and for the submission of questions to the voters of the Town, if required to be submitted thereat, shall be held annually on the first Saturday of April unless the ~~Selectmen~~ Select Board vote not later than February 1 to establish another date in order to better suit the public convenience for reasons it shall determine including, but not limited to, conflicts with the observance of religious holidays. Said election shall be considered part of the Annual Town Meeting held in that year. All articles in the warrant for any regular Town meeting to be acted upon and determined otherwise than by ballot shall be considered at a Town meeting to be held annually on the fourth Monday in April, at eight o'clock in the evening.

Section 2. Call of Meetings

(ART. 21, ATM – 04/29/96) (ART. 7, ATM – 04/28/03) (ART. 21, ATM – 05/11/11)

The ~~Selectmen~~ Select Board shall, before calling a Town Meeting, post a notice of their intention to do so in each municipal and school building in the Town at least five days before opening the Warrant calling the meeting. The Warrant for any Annual Town Meeting shall open not later than the first week of December nor shall it be closed earlier than the last Friday of the following January. Furthermore, the ~~Selectmen~~ Select Board shall make a written request to the Town's licensed cable television provider to place notice of the opening of the Warrant on a cable channel designated for community notices. Additionally, the ~~Selectmen~~ Select Board shall make a written request to one local newspaper to inform residents of the opening of the Warrant.

A copy of the warrant for a meeting shall be posted in each municipal and school building at least seven days before the day of the Annual Meeting, fourteen days before a Special Town Meeting, and a copy left at every dwelling house in the Town previous to the day of meeting. A copy of the warrant for any state election shall be sent to every dwelling house only to the extent required by the General Laws. The Town Clerk shall cause notice of such meeting to be published in at least one local newspaper.

Section 3. Duties of Moderator

(ART. 27, ATM-05/06/2002)

The duties of the Moderator, and the government of the Town Meeting, not specially provided for by law, or by the foregoing rules, shall be determined by rules of practice contained in Town Meeting Time, A Handbook of Parliamentary Law, by Johnson Trustman and Wadsworth, a Committee of the Massachusetts Moderator's Association, published by the Massachusetts Moderators Association, 2001, so far as they are adapted to the condition and powers of the Town.

Section 4. Duties of Clerk

A. Record of Attendance

A record of the attendance of Town Meeting Members at all representative Town Meetings shall be made under the direction of the Town Clerk, said record to be available to the public.

B. Stenographic Record

A complete stenographic record of the proceedings of the Town Meeting, including all discussion and debate, shall be made under the direction of the Town Clerk, said record shall be available to the public no later than sixty (60) days from the final adjournment of any Special or Annual Town Meeting. Any partial record of the proceedings of Town Meeting shall be available to the public when said record is received by the Town Clerk prior to the required time period designated under this Section.

Section 5. Duties of Town Meeting Members

Town Meeting Members shall strive to be regular and prompt in their attendance at all sessions of the Annual and Special Town Meetings held during the terms of office for which they have been elected. Town Meeting Members shall undertake to educate themselves regarding the form, conduct and administration of the government of the Town and the rules governing the conduct of the Town Meeting. They shall seek, by their attendance at scheduled precinct meetings, at hearings on the various articles held by the Finance Committee and the ~~Board of Selectmen~~ Select Board, and at such other meetings as may be scheduled to provide the information, to inform themselves to the greatest extent possible with respect to all issues to come before an Annual or Special Town Meeting.

Town Meeting Members shall conduct themselves in accordance with the rules established for the conduct of the Meeting, shall demonstrate fairness, courtesy and respect for the opinions and positions of their fellow Members, and shall otherwise perform their duties and responsibilities in such a manner as to reflect credit upon the legislative and appropriating body of the Town.

Section 6. Quorum

(ART. 15, ATM-05/09/1994) (ART. 22, ATM – 05/11/11)

Twenty five percent of the total number of Town Meeting positions shall constitute a quorum for doing business at Town Meeting. No non-procedural action or reconsideration requiring a two thirds vote under the provisions of any general or special law shall be taken without the affirmative vote of at least eighty five Town Meeting Members, provided that no standing vote shall be required to satisfy the requirements of this section if the Town Clerk certifies on the record that at least eighty five Town Meeting Members are present and voting. (Note: This Quorum By Law is allowed based on a Special Law, Chapter 428 of the Acts of 1984 and supersedes the Quorum requirements of Chapter 43A Section 5.)

Section 7. Regulation of Speakers

A. Right to Address Meeting (ART. 12, ATM - 04/27/92)

The following officers shall have the same power to address the Town Meeting as an elected Town Meeting Member, but they shall not have a vote in the Town Meeting: the Town Moderator, the Town Clerk, the Town Treasurer, the Town Manager, the Superintendent of Schools, the ~~Chairmen~~ Chairperson of the ~~Board of Selectmen~~ Select Board, the Assessors of Taxes, the School Committee, the Redevelopment Board, the Finance Committee, the Personnel Board, and the chairmen of all other Boards, Commissions and Committees established under the bylaws or by a vote of the Town Meeting. In the absence of the ~~chairman~~ Chairperson of any of the foregoing, the Vice-~~Chairman~~ Chairperson shall have the rights of the ~~Chairman~~ Chairperson. ART. 12 ATM 4/27/92

B. Manner of Speaking (ART. 28, ATM 05/06/02)

Every person desiring to speak shall arise, address the chair and on obtaining recognition, shall stand, while speaking, unless the Moderator otherwise directs. A Town Meeting Member who speaks upon any matter in which the speaker or ~~his or her~~ their immediate family has a direct financial interest shall first disclose such interest to the meeting. The words direct financial interest shall include, but not be limited to, employment as attorney or consultant with respect to the matter.

C. Time Limits (ART. 18, ATM - 04/29/92)(ART. 11, ATM - 04/26/99)(ART. 20, ATM - 4/30/12)(ART.8, ATM - 04/27/15)

No person shall speak, or otherwise hold the floor, for the first time on any subject for more than seven minutes, unless, prior to beginning ~~his or her~~ their presentation, the person requests of the Town Meeting a specific extension of time, and the request is granted by a majority vote of the Town Meeting members present and voting.

No person shall speak, or otherwise hold the floor, for a second time on any subject for more than five minutes.

No person shall speak, or otherwise hold the floor, more than twice on any subject except to correct an error, without first obtaining permission of the meeting by obtaining a majority vote of the Town Meeting Members present and voting. After obtaining said permission, the person shall not speak, or otherwise hold the floor, for more than five minutes.

No person shall speak, or otherwise hold the floor on any matter brought up under the Article concerning reports of Committees or under the agenda category for announcements and resolutions, for more than four minutes, unless prior to beginning, ~~his or her~~ their presentation, the person requests of the Town Meeting a specific extension of time, and the request is granted by a majority vote of the Town Meeting members present and voting.

Nothing set forth in this bylaw shall be construed to limit the discretion of the Town Moderator to regulate the conduct of the meeting.

Section 8. Procedures Committee (ART. 15, ATM-05/30/07)

A. Name. The name of this committee shall be the Town Meeting Procedures Committee.

- B. Appointing Authority. The Moderator shall be the appointing authority for the committee, and shall also fill any vacancies.
- C. Composition. The committee shall consist of five members who shall be: the Moderator, the Assistant Moderator, and three Town Meeting Members.
- D. Duties. The committee shall consider, recommend, and report to the Town Meeting on matters related to Town Meeting procedures. The committee shall take a broad view of matters related to Town Meeting procedures. In addition to considering how such matters affect the Town Meeting, the committee shall also consider how these matters affect the desire of voters of the Town to become Town Meeting Members.
- E. Transitional provision. When this section comes into effect, Town Meeting Members already on the committee shall remain on the committee. If the Moderator or Assistant Moderator is already on the committee, ~~he~~ they shall now be on the committee by virtue of ~~his~~ their office and ~~his~~ their Town Meeting Member position on the committee shall be declared vacant.

Section 9. Appointment of Committees (ART. 14, ATM 5/9/94)

A. Scope

This section shall apply to all committees (as hereinafter defined) established by the Town Meeting, or under the bylaws, except to the extent that the vote establishing the same shall specify otherwise, or if the General Laws or Special Acts require a different method. It shall not be applicable to committees established prior to the effective date hereof, except to the extent that the Town Meeting may vote to make any one or more provisions hereof applicable to the same.

B. Definitions

1. Appointing Authority - the person or entity having the power to appoint persons to committees. Unless otherwise specified, the Moderator shall be the appointing authority.
2. Committee - any committee, commission, board, task force or other such group however denominated.

3. Entity - a board, corporation, voluntary association, committee, commission, or other group. Unless the bylaws or a vote of such entity specify otherwise, an entity shall act by its ~~chairman~~chairperson, president, or other chief executive officer.
4. Members of a Committee - registered voters of the Town, unless the vote otherwise specifies.
5. Nominating Authority - the person or entity having the power to nominate or designate one or more members of a committee. If no nominating authority is specified, the appointing authority shall also be the nominating authority.
6. Town Official (ART: 10, ATM 4/26/99) - Whenever a vote by the Town Meeting or a Bylaw shall provide for the appointment or nomination of an elected or appointed official of the Town, except a Town Meeting member, such designation shall be considered to mean and shall include the designee of such official, unless the vote or bylaw specifically provides otherwise.

C. Establishment

Promptly after the effective date of any vote establishing a committee, the Town Clerk shall notify the appointing and nominating authorities of the same. Within sixty (60) days of the date of such notice, the nominating authorities shall submit the names and addresses of their nominees to the appointing authority. If any one or more of them shall fail or neglect to do so, the appointing authority may appoint in place of such nominees, any registered voter of the Town.

The appointing authority shall within thirty (30) days of receiving the nominations or upon thirty (30) days of failing to receive the nominations within the time hereinabove provided, make the appointments in writing to the Town Clerk, who shall promptly notify the appointees.

D. Organization

The appointing authority shall designate one of the appointees as acting ~~chairman~~chairperson, and the Town Clerk, in the course of notifying the appointees, shall instruct such acting ~~chairman~~chairperson to call an initial meeting, at which the committee shall elect its officers by ballot.

E. Default

If the appointing authority shall fail to exercise the duties set forth above, then the Moderator shall act as appointing authority, and, in the event of default by the Moderator, the Town Clerk shall so act.

F. Term of Office:

1. Members shall serve terms of three years.
2. Re-appointments, or appointments to fill vacancies, shall be made in the same manner as original appointments.
3. If a member has been appointed by reason of ~~his or her~~their status as a registered voter, ~~his or her~~their term of office shall cease if ~~he or she~~they removes from the Town.
4. If a member has been appointed by reason of ~~his or her~~their status as a member of an entity, ~~his or her~~their term of office shall cease if ~~he or she~~they ceases to be a member of such entity.
5. If a member shall fail to attend three (3) or more consecutive meetings of the committee, the committee may, by vote, remove such member and request the nominating authority to nominate a replacement to the appointing authority.

G. Miscellaneous

The Town Meeting by the vote establishing any committee may alter any one or more of the foregoing provisions with respect to such committee, but any provision not so altered will be in full force and effect with respect to the same. Members shall serve without compensation, but, subject to appropriation, shall be entitled to be reimbursed for their reasonable expenses incurred in connection with their official duties.

Section 10. Procedural Rules

A. Motions in Writing:

All questions or motions submitted for the consideration of the Town Meeting shall be reduced to writing if required by the presiding officer.

B. Reading Articles (ART. 13, ATM 4/29/92):

The reading of warrant articles and proposed votes related thereto shall not be required except by a motion adopted by a majority vote of those members present and voting, provided that the information and precise wording of the same has been made available, in writing, to each Town Meeting Member who may be present when the same are being considered by the Town Meeting.

C. Votes:

(ART. 13, ATM – 04/29/92), (ART. 22, ATM – 05/11/11), (ART. 12, ATM – 04/22/13)
(ART. 11, ATM 04/28/14)

"All votes, unless otherwise provided by law, shall be taken in the first instance by a "yes" and "no" voice vote or by an electronic tally at the option of the Moderator. If the Moderator is in doubt as to the voice vote, or if five voters immediately question a voice vote, the Moderator shall call for a standing vote or an electronic tally, at the option of the Moderator. In an instance where the difference between the yes and no votes according to an electronic tally is less than 6 votes, then the individual votes shall be displayed.

On all questions submitted for the consideration of the Town Meeting, when requested by thirty or more Town Meeting Members present at the meeting, there shall be a roll call vote, either by voice or by an electronic vote, at the option of the Moderator. If an electronic tally was previously taken on the question, the vote of each Town Meeting Member who voted electronically in the first instance shall be displayed and recorded. All roll call votes, oral or electronic, shall be recorded so as to indicate the individual vote of each Town Meeting Member who shall have voted. Said record of roll call votes, oral or electronic, shall be available as recorded at the Town Clerk's Office.

Whenever a vote of two-thirds of the Town Meeting Members present and voting is required on any matter, the Moderator may declare a motion passed by a voice vote or electronic tally of at least two-thirds in favor. A standing vote or further electronic tally need not be taken unless required by law or these Bylaws. The Town Clerk shall record the Moderator's declaration that the motion passed by a two-thirds vote in favor.

The individual votes shall always be displayed if the margin of success of the prevailing side, calculated by subtracting the smallest number needed to prevail from the actual number of prevailing votes, is less than three.

D. Motions:

When a question is under debate, motions shall be received to adjourn, to lay on the table, the previous question, to postpone to a certain time, to commit, or to amend; which several motions shall have precedence in the order stated. The first three shall be decided without debate.

E. Reconsideration (ART. 13 ATM 4/29/92) (ART. 19 ATM 4/27/88):

A motion to reconsider any vote must be made before the final adjournment of the meeting at which the vote was passed, but such motion to reconsider shall not be made at an adjourned meeting unless the mover has voted on the prevailing side, and has given notice of ~~his~~their intention to make such motion at the session of the meeting at which the vote was passed. There can be no reconsideration of a vote once reconsidered, or after a vote not to reconsider. No article in the warrant shall again be taken into consideration after it has been disposed of unless ordered by vote of two-thirds of the Town Meeting Members present and voting. A notice to reconsider any vote must be made orally to the meeting either from the floor or announcement by the moderator that such notice has been served.

F. Previous Question:

No motion to move the previous question may be made by a person who otherwise speaks on the question. A person desiring to move the previous question must limit himself to the words "I move the previous question" or words that have the same limited effect. A person recognized by the Moderator to speak a second time on a question may move the previous question if ~~he does~~they do not otherwise speak on the question when recognized for the second time.

G. Committee Reports:

No action shall be taken by any Town Meeting on the Report of any committee, previously chosen, unless the same shall be specified in the warrant calling said meeting.

Section 11. Assistant Moderator (ART. 14, 04/28/03)

A. Election:

Each year at the Annual Town Meeting, the Town Meeting Members shall elect one of their number to serve as Assistant Moderator for a term of one year, or until ~~his or her~~their successor is elected and qualified.

B. Duties:

Whenever the Moderator is unavailable, the Assistant Moderator shall preside at Town Meeting. In addition, the Assistant Moderator shall assist the Moderator in the performance of ~~his or her~~their other duties, as the Moderator may direct.

ARTICLE 2: ~~SELECTMEN~~Select Board

Section 1. Duty

The ~~Selectmen~~Select Board shall have the general direction and management of the property and affairs of the Town in all matters not otherwise provided for, so far as permitted by law.

Section 2. Representative Powers

The ~~Selectmen~~Select Board may appear, either personally or by Town Counsel or by Special Counsel duly employed by them before any Court, Committee of the Legislature, or any Federal, State, or County Board of Commissioners, or other tribunal to protect the interests of the Town, but they are not authorized hereby to commit the Town to any course of action. They shall have authority as agents to institute, prosecute and defend suits and claims against or involving the interests of the Town, and to settle same when, in their judgment upon advice of counsel, such settlement is for the best interest of the Town.

Section 3. Reports Due to ~~Selectmen~~Select Board

(ART. 20 ATM 4/27/88)

All Boards and officers shall make an annual report covering each year and forward same to Selectmen not later than January 15 of the following year, or at an earlier date if required by the ~~Board of Selectmen~~Select Board.

Section 4. Privilege at Town Meeting

(ART. 14 ATM 4/29/92)

Notwithstanding any other provision of the Bylaws, any member of the ~~Board of Selectmen~~ Select Board shall be entitled to seek the recognition of the Moderator as though ~~he or she~~ they were a Town Meeting Member.

Section 5. Town Home Page

(ART. 50 ATM 5/19/97)

The ~~Board of Selectmen~~ Select Board is authorized and directed to publish on the Town's Internet home page, subject to space availability, various documents and other information it deems in the public's interest to provide, including but not limited to, Town Meeting warrants and minutes of meetings of the ~~Board of Selectmen~~ Select Board.

ARTICLE 3: TOWN CLERK

Section 1. Town Seal

The Town Clerk shall have the custody of the Town Seal.

Section 2. Conveyances

All conveyances under seal, which may hereafter be executed by the Town, pursuant to a vote of the Town, or otherwise, shall be sealed by such seal and subscribed by a majority of the ~~Board of Selectmen~~ Select Board.

Section 3. Annual Report

The Town Clerk shall make a full index of all reports and prepare a report upon the vital statistics of the Town for publication in the Annual Town Report.

Section 4. Notice to Committees

It shall be the duty of the Town Clerk to immediately notify in writing all members of committees who may be elected or appointed at any town meeting stating the business upon which they are to act and the names of the persons composing the committees.

Section 5. Report of Town Meeting Actions

It shall be the duty of the Town Clerk, immediately after every town meeting, to furnish the Town Accountant and the Board of Assessors with a statement of all appropriations made by the Town at such meeting, and the purpose for which such appropriations were made and the manner of raising the same. ~~The Town Clerk~~ He shall also notify all boards, officers and committees of all votes passed at any town meeting in any way affecting them.

Section 6. Record Keeping

It shall be the duty of the Town Clerk to properly record, file, and index all contracts, agreements, releases, bonds, deeds and all other papers and documents in any way affecting the interests of the Town when filed with ~~him~~them, and all such papers and documents unless otherwise required by law, shall be so filed by all boards, officers and committees at such time as the work to which such papers or documents pertain, shall have been completed.

ARTICLE 4: TOWN TREASURER'S DEPARTMENT

Section 1. Duty

The Town Treasurer shall administer the Town Treasurer's Department.

Section 2. Divisions

The Town Treasurer's Department shall consist of the Tax Collection Division and the Treasury Division.

A. Tax Collection Division (ART. 15, ATM 05/04/09)

1. The Town Treasurer also acts as the Collector of Taxes.
2. The Collector of Taxes shall seasonably collect, under the title Town Collector, all accounts due the Town which are committed to ~~him~~them. When the Collector of Taxes serves a written demand for the payment of any delinquent taxes, a demand fee of \$30 shall be added to the amount of the tax demanded thereby.
3. Every department of the Town shall deliver to the Comptroller at least once in every month a separate statement of each account due the Town arising through any transaction with such department. Upon receipt of such statements of accounts, the Comptroller shall commit such accounts to the Town Collector for collection. This section shall not apply to taxes and special assessment, licenses and permits issued or granted by the various departments of the Town, nor to interest on investments of sinking or trust funds.
4. Any account committed by the Comptroller which the Town Collector is unable to collect by ordinary efforts will be referred back to the department in which said account originated for further collection effort. So far as permitted by law, any account or portion thereof may be abated by the Comptroller upon recommendation by said department.

In the event the account cannot be collected within a reasonable period of time and is not abated, it shall be referred by the Town Collector to the Town Counsel for appropriate legal action and the Comptroller shall be notified of said referral.

5. The Tax Collection Division shall, once in each week or oftener, pay over to the Treasury Division all money received during the preceding week or lesser period

on every such account, including any sums received as interest on monies received on such accounts and deposited in any bank.

B. Treasury Division

1. The Town Treasurer receives and takes charge of all monies belonging to the Town.
2. The Town Treasurer shall pay all monies of the Town which are legally due and owing, according to the order of the Town or its authorized officers.
3. The Town Treasurer shall, from time to time during the fiscal year, prepare and update a cash flow projection of anticipated receipts and expenditures and shall manage the Town's excess cash by prudently investing same to the maximum advantage of the Town as permitted by law.
4. The Town Treasurer, in addition to the estimate of the amount required for the maintenance of the Town Treasurer's Department, shall also determine the amounts of interest and maturing debt to be included in the annual budget for the ensuing year. The Town Treasurer, shall also be responsible for the preparation of the Pension Funding Budget, to be prepared in accordance with current actuarial estimate of the town's pension funding liability.
5. The Town Treasurer shall have custody of all paid matured notes, bonds and coupons issued by the Town and all canceled checks issued by ~~him~~them.
6. The Town Treasurer shall manage the Town's debt and recommend to the ~~Selectmen~~Select Board a term of years for all authorized long-term debt and whether or not the Town should accept the interest rate offered for said debt prior to its issuance.

Section 3. Financial Review (ART. 29 ATM 4/23/90)

The Town Treasurer shall prepare a financial review and report to the Annual Town Meeting regarding the financial condition of the Town. The report shall be a public record and a copy shall be filed with the ~~Board of Selectmen~~Select Board in accordance with Title I, Article 2, Section 3 of the Bylaws.

Section 4. Bond

The Town Treasurer shall give bond to the Town for the faithful performance of the duties of the office in a form approved by the Commissioner of Revenue and in such a sum to be determined by the ~~Selectmen~~Select Board, provided the amount of the bond shall not be less than the amount set by the Commissioner. The bond must cover all funds of which the Town Treasurer has custody. A separate bond must similarly be furnished covering the Town Treasurer's duties as Town Collector.

Section 5. Appointment of Assistant (ART. 36 ATM 5/11/88)

The Town Treasurer may in writing appoint, with the approval of the ~~Selectmen~~Select Board, an Assistant Town Treasurer - Collector of Taxes. The Assistant Town Treasurer - Collector of Taxes shall be sworn to the faithful performance of the duties of the office and a record shall be made of said appointment and oath. The Assistant Town Treasurer - Collector of Taxes shall be a citizen of the United States and a resident of the Commonwealth of Massachusetts, and shall give bond annually for the faithful performance of the duties of the office in a form approved, and in an amount determined by the Commissioner of Revenue. [Return to top]

Section 6. Pension Funding (ART. 47, ATM – 05/28/08)

The Town Treasurer, upon determining the viability and appropriateness of initiating any borrowing for the purposes of funding the unfunded pension liability through so-called Pension Obligation Bonds, shall:

1. Notify the Finance Committee of any such intention to borrow, with documentation supporting said borrowing, and request a recommendation from the Finance Committee, including amount to be borrowed, in writing; said recommendation shall be rendered by the Finance Committee to the Treasurer within 30 calendar days from the Treasurer's notification,
2. At the same time, submit to the Commonwealth's Secretary of Administration & Finance the intention to borrow with documentation supporting, including an updated valuation study, said borrowing,
3. Present the results of any communication and/or determination received from Administration & Finance to the Finance Committee prior to any meeting with the ~~Board of Selectmen~~Select Board,
4. Present to the ~~Board of Selectmen~~Select Board a report stating such intention to borrow with documentation supporting said borrowing, and include:
 - a. the recommendation report from the Finance Committee,
 - b. the communication and/or determination(s) from Administration & Finance,
 - c. the recommendation from the Town's Financial Advisor,
 - d. the total amount to be borrowed, and the costs of said borrowing,
 - e. any projected savings to the Town's annual operating budget,
5. Upon the approval of the borrowing by the ~~Board of Selectmen~~Select Board, the Treasurer shall submit a Warrant Article requesting said appropriation in the next soonest annual or special town meeting, documentation cited in section 4, above, shall be included in materials presented to Town Meeting.

6. These procedures shall be incorporated into the Policy of the Office of Treasurer & Collector of Taxes, and be binding on the present and/or any future Town Treasurer(s).

ARTICLE 5: COMPTROLLER

(ART. 18, ATM - 05/14/07)

Section 1. Duties

The Comptroller shall have in addition to the powers and duties conferred and imposed upon Town Accountants, by General Laws, the following powers and duties:

A. Methods of Accounting

~~He~~They shall prescribe the methods of Accounting and forms to be used by the several departments of the town where in the collection or disbursement of money is concerned, so that such methods and forms shall conform to the requirements of the State Accounting System.

B. Standard Practices

~~He~~They shall establish standard practices relating to all accounting matters and procedures and the coordination of systems throughout the town, including clerical and office methods, records, reports and procedures as they relate to accounting matters. ~~He~~They shall prepare and issue rules and regulations and instructions relating thereto that shall be binding upon all town agencies and employees.

C. Warrants for Payment

~~He~~They shall draw all warrants upon the Town Treasurer for the payment of bills, drafts and orders chargeable to the several appropriations and other accounts.

D. Verification of Warrants

Prior to submitting any warrants to the Town Manager, ~~he~~they shall examine and approve as not being fraudulent, unlawful or excessive, all bills, drafts and orders covered thereby. In connection with any such examination, ~~he~~they may make inspection as to the quality, quantity and condition of any materials, supplies or equipment delivered or received by any town officer or agency. If, upon examination, it appears to the Comptroller that such bills, drafts or orders are fraudulent, unlawful or excessive, ~~he~~they shall file with the ~~Board of Selectmen~~Select Board and the Town Treasurer a written report of the reasons for ~~his~~their findings.

E. Custody of Vouchers

~~He~~They shall have custody of all vouchers which have been entered on warrants for payments and approved by the Town Manager and Comptroller. Said vouchers are to be available for inspection by the Town Treasurer at all times.

F. Balance Sheets

~~He~~The Comptroller shall submit a monthly Balance Sheet and an annual Balance Sheet with detailed statements of Cash Receipts and Cash Disbursements at the end of each fiscal year to the ~~Board of Selectmen~~Select Boardmen and the Department of Revenue for

certification of the Town's Free Cash. Said financial statements shall conform to the requirements of the State System of Accounting and may be audited as directed by ~~the Board of Selectmen~~ the Select Board.

G. Annual Audit and Regular Reports
(ART. 12 ATM 4/24/95)

~~He-They~~ shall be responsible for coordination of the Annual Town Audit. ~~He-They~~ shall provide the ~~Board of Selectmen~~ Select Board, Town Manager, Town Treasurer and Chairman of the Finance Committee with a quarterly report of revenues and expenditures. Each month ~~he~~ the Comptroller shall provide said officials with a report comparing actual with estimated revenues. Whenever applicable, ~~the Comptroller~~ he shall make recommendations regarding the Town's financial condition that ~~the Comptroller~~ he deems appropriate.

Section 2. Written Purchase Orders

(ART. 22 ATM 4/27/88)

No head of a department, board or committee authorized to spend money shall make purchases of supplies or materials or contract to render services to the Town without issuing a written purchase order on prescribed forms for all such supplies or materials or services to be rendered; provided, however, that the provisions of this section shall not apply to the salaries or wages of part-time or regularly-employed officers, clerks and wage earners of any department of the Town.

All purchase orders shall be in triplicate; one to be designated for the Vendor; one to be designated for and delivered to the Comptroller; and one to be designated for the files of the department issuing the order. The order designated for the Vendor, before being transmitted to the Vendor shall be submitted to the Comptroller to be certified by ~~him~~ the Comptroller that there is sufficient unencumbered balance of the appropriation to be charged to liquidate the amount of the order, provided, however, that verbal orders for supplies or materials or services to be rendered may be issued for an amount not to exceed five hundred dollars. All verbal orders shall be confirmed in writing on the prescribed purchase order forms on the day the orders are given and transmitted immediately to the Comptroller for certification. [Return to top]

ARTICLE 6: CLASSIFICATION AND COMPENSATION PLANS and HUMAN RESOURCE BY-LAW

(ART. 12, ATM – 04/30/12)

Section 1. The Classification Plan

The official classification plan shall consist of class titles appearing in Schedule A which is made a part hereof, together with class definitions which are on file with the Human Resource Director (for purposes of this article "Director") of the Town.

Section 2. The Compensation Plan

The official compensation plan which appears in Schedule B shall consist of salary ranges which provide minimum and maximum rates together with intermediate step rates of single salary rates

for each full-time position class in the Classification Plan. The Compensation Plan shall include compensation grades to which position classes are allocated in Schedule A.

Section 3. Amendment of the Plans

(ART. 32 ATM 5/1/89) (ART. 19 ATM 4/29/96)

The classification and compensation plans have been established pursuant to the authority contained in Section 108C of Chapter 41 of the General Laws. Either plan may be amended in the manner provided in this statute and the by-laws of the Town. Rates appearing in the compensation plan may be established or changed by vote of the Town at a Town Meeting, or as provided by law, whichever is applicable. Requests to the Director of the Town for any amendment to this By-Law at any Annual Town Meeting shall be made in writing and shall be received by the Director on or before September 10th of the year preceding such Annual Town Meeting. The Director shall communicate ~~his/her~~their decision regarding the request to the party submitting the request no later than November 1st. An employee may appeal any reclassification determination of the Director to the Human Resource Board which shall review said request and either uphold or overrule the Director's determination after consultation with the Director. The Classification Plan shall be amended accordingly to reflect the determination of the Human Resource Board in the event it overrules the determination of the Director.

In like manner, the initial determination of the Director, if favorable to the employee, shall cause an amendment to the Classification Plan to be made accordingly. Notwithstanding the foregoing, no amendment shall become effective until the Town Meeting appropriates funds to fund same. The Director shall submit an individual request within an article for an appropriation for each reclassification to the Town Meeting to fund each reclassification approved by ~~him or her~~them as well as those approved on appeal to the Human Resource Board.

Town Meeting may not act favorably on Articles submitted on behalf of employees aggrieved by the determination of the Human Resource Board. No employee may request reclassification of the same position in consecutive years.

Section 4. Human Resource Board

(ART. 32 A.T.M. 5/1/89)

There shall be a Human Resource Board consisting of three members who shall be appointed by the Town Manager. The initial appointments thereto shall be for a one, two and three year term respectively. Thereafter each term shall be for a period of three years. Members shall serve without compensation and shall serve until their successors are appointed.

Section 5. Class Definitions

The Director shall prepare and may amend, from time to time, written definitions of the classes in the classification plan, each consisting of a statement describing the essential nature of the work characteristic of positions in the class that distinguish such positions from positions of other classes, with such examples as may be deemed appropriate.

Section 6. Interpretation of Class Definitions

The definitions of the classes shall be interpreted as descriptive only and not restrictive. The definition for any class shall be construed solely as a means of identifying positions classified under the appropriate class, title, and not as prescribing what the duties or responsibilities of any position of the class shall be, or as modifying or in any way affecting the power of any administrative authority, as otherwise existing, to appoint, to assign duties to, or to direct and control the work of, any employee under the jurisdiction of such authority.

Section 7. Records and Requisitions

The Director shall keep such records of all employees of the Town, including the name, age, date of employment, classification of position occupied, department in which employed, nature of duties and other information as ~~he/shethey~~ deems desirable.

All requisitions for persons to fill positions or perform duties classified under the Civil Service Law, all requests for transfers, increases in salary, changes in rating, or other requests made to the Director of Civil Service or the Department of Civil Service, shall be processed through the Director.

Similarly, all such personnel actions relating to positions which are not subject to Civil Service Law, but which are subject to the classification and compensation plans, shall be processed by the Director.

Section 8. Allocation of Positions to Classes

The Director shall classify each position subject to the provisions of this by-law in accordance with the classification plan. Whenever a new position is established, or the duties of an existing position are so changed that in effect a new position of a different classification is substituted for the old position, the Director shall, in the same manner, classify such new or changed position.

In the event the Director determines that a new or changed position requires the establishment of a position class not included in the classification plan, ~~he/shethe~~ Director may authorize temporarily the necessary new classification subject to ratification at the next succeeding Special or Annual Town Meeting.

The Director shall have the authority to reclassify a position if ~~he/shethe~~ Director finds that such action is warranted by reason of error in the classification then in effect.

The Director shall afford reasonable opportunity to be heard to any employee or appointing authority affected by any classification or reclassification, upon written request therefor.

Section 9. Allocation of Positions in Departments of Various Appointing Authorities

A. Power of Clerk and Treasurer/Collector (ART. 28 STM 5/15/95)

The Town Clerk and the Treasurer/Collector, as independent authorities, may reorganize, consolidate, or otherwise establish new positions in their respective departments without

prior Town Meeting approval subject to available funds and the requirements of collective bargaining contracts and laws relating to same. Said authorities may appoint persons to fill such new positions so created on a temporary basis.

B. Role of Director

Before taking any of the aforementioned contemplated actions, the Clerk or the Treasurer/Collector as the case may be, shall notify in writing the Personnel Director specifying the reasons therefore which notice shall not be dated earlier than December 1 of any calendar year.

The Director will consult with and assist the appointing authority in the contemplated action except when the Director disagrees with the contemplated action in which event the Director will so advise the appointing authority as to the reasons therefore not later than 21 days after receipt of the appointing authority's notice of contemplated action unless said date is mutually extended.

If the Director agrees with the contemplated action, then the Director will so advise the appointing authority in writing and the contemplated action shall become effective immediately.

If the Director disagrees with the contemplated action then the Director will so advise the appointing authority in writing of the reasons therefore. In such event the Director shall take immediate steps to convene a meeting of the Human Resource Board established under Section 4 of Title I, Article 6 of the bylaws. Said Board shall consider presentations of the Director and the appointing authority and will make a written recommendation regarding the contemplated action. The Human Resource Board shall convene not later than 14 days after disapproval by the Director of the contemplated action and render its advisory opinion within seven days of its consideration thereof. In any event the contemplated action may be implemented by the appointing authority at any time after the expiration of thirty days from the date of the Director's written disapproval of same notwithstanding any contrary recommendation of the Human Resource Board or its failure to timely meet to consider same.

C. Approval by Town Meeting

Any action on consolidation, reorganization, abolition of position, and the filling of positions associated therewith shall not become permanently effective until approved by the next occurring annual Town Meeting. Any new positions created shall not be placed into the Classification Plan unless so voted by the Town by amendment to the Classification Plan as established by Title I, Article 6 of the bylaws. Disapproval by the Town Meeting of the action of the appointing authority shall reestablish the status quo in said department prior to the action of the appointing authority having been taken.

Section 10. Titles of Positions

No person shall be appointed, employed or paid as an employee in any position subject to the provisions of this by-law under any title other than that set forth in the classification plan for the

position which ~~he~~one occupies. The title of each class shall be the official title of every position classified thereunder for all purposes having to do with the position as such, and shall be used to designate the position on all payrolls, budget estimates and official records and reports, and in every other connection involving personnel and fiscal processes, but any abbreviation or code symbol approved by the Director may be used in lieu of the title to designate the class of a position in any such connection.

Section 11. Appropriation to Cover Changes in Pay Plan

A Town Meeting vote which authorizes any change in rates from those which appear in either Schedule A or Schedule B under Sections 1 and 2 of this article (Title I, Article 6) shall include the appropriation of funds required to finance the change.

Section 12. Vacation Leave

A. Leave with Pay

Vacation leave with pay shall be granted to all regularly employed personnel, subject to the classification and compensation plans. These employees are provided opportunity to accrue vacation leave in order that ~~(s)he~~they may have periods of rest and relaxation from ~~his/her~~their job for health and well being, consistent with work load and staffing requirements of their department. Employees are encouraged to request vacation leave in blocks of time sufficient to ensure rest and relaxation. An employee shall be considered regularly employed and eligible for vacation if ~~(s)he~~one has worked six months for the Town in a position included in the Classification and Compensation Plan.

B. Accrual Rates (ART. 38, ATM - 06/19/2000)

1. Vacation leave credits are not accumulated and cannot be used during the first six (6) months of employment.
2. All regularly employed personnel shall be credited with five (5) days of vacation leave upon completion of ~~their his/her~~ first six (6) months of service as long as these employees do not receive more vacation leave in their first year of employment than granted in number three below.
3. All regularly employed personnel with more than six (6) months but fewer than five (5) years of service shall receive twelve (12) days of vacation leave.
4. All regularly employed personnel with five (5) years but fewer than ten (10) years of service shall receive eighteen (18) days of vacation leave.
5. All regularly employed personnel with ten (10) years but fewer than twenty-five (25) years of service shall receive twenty-four (24) days vacation leave.
6. All regularly employed personnel with twenty-five (25) years or more of service shall receive thirty (30) days of vacation leave.

7. Vacation accrual rates for employees covered by a collective bargaining agreement are governed by their applicable contract.

C. Effective Date (ART. 19, ATM – 4/30/12)

Vacation leave will be granted to all eligible Town employees, according to their accrual rates, on January 1 of each year. For School Department employees, vacation leave will be granted to eligible employees, according to their accrual rates, either on July 1 or September 1 of each year.

D. Scheduling

The scheduling of vacation periods with pay shall be arranged and approved prior to use by the Department Head for such time or times as best serve the public interest and department efficiency.

In case of conflict in scheduling vacation time, preference will be given based on seniority or other provisions established by the Department Head.

E. Limits on Accumulation (ART. 51, ATM – 05/05/10) (ART. 19, ATM – 4/30/12)

Vacation leave may not be accumulated from one vacation year to another, except when in the opinion of the appointing authority, it is impossible or impractical to use because of work schedules or other emergencies to do otherwise.

1. Requests for such carryover by Town employees must be submitted to the appropriate authority before the end of the calendar year in which the vacation leave was granted, provided that all carryover vacation shall be used by the following April 30th. Notwithstanding the previous sentence, all Town employees who have been granted carryover vacation days on December 31, 2009, shall be allowed to carry over two thirds of that amount on December 31, 2010, and one third of that amount on December 31, 2011. All vacation days carried over under the previous sentence shall be utilized by December 31, 2012, and the previous allowance shall cease to have effect on that date.
2. In the School department, requests for carryover must be submitted to the Superintendent before the end of the employee's vacation year. All carryover vacation shall be used by the end of four months following the conclusion of the employee's work year. Notwithstanding the previous sentence, all School Department employees who have been granted vacation days on December 31, 2009, shall be allowed to carry over two thirds of that amount at the commencement of their work year in 2011 and one third of that amount at the commencement of their work year in 2012. All vacation days carried over under the previous sentence shall be utilized by the commencement of the 2013 work year.

F. Coordination with Absences

Absences on account of sickness in excess of those authorized or for personal reasons not provided for under leave regulations may, at the discretion of the Department Head, be charged to vacation leave.

G. No Loss of Benefits

Whenever employment is terminated by dismissal through no fault or delinquency of an employee's part, or by resignation, retirement or death, without ~~his/her~~their having been granted a vacation to which ~~(s)he~~one is entitled, ~~(s)he~~they, or in the case of ~~his/her~~their death, ~~his/her~~their estate shall be paid vacation pay at the regular rate of compensation at which it was earned payable to ~~him/her~~them at termination of employment.

H. Holidays

If a holiday falls within the vacation period, it shall not count as part of the vacation allowance.

I. Part-Time Employees

Regular part-time employees accrue and earn vacation leave on a pro-rated basis according to the differences between their regularly scheduled work week and the normal work week.

J. No Advances

Vacation leave credits shall not be advanced for use prior to their being earned.

All of the above to be effective for non union and M Schedule employees and to become effective for all union employees upon ratification by the respective bargaining units.

Section 13. Sick Leave

A. Qualification

Regularly employed personnel subject to the classification and pay plans must complete six months of service before qualifying for sick leave, at the end of which time seven and one-half days credit will be allowed.

B. Limitation

Earned sick leave with pay will be limited to one and one-quarter days per month, not to exceed fifteen days per year, and will be credited on the first day of each month. Sick leave credit will begin on the first day of the month following employment except as otherwise provided in Sub-section A. Employees having an aggregate of more than two days of authorized leave without pay in any calendar month shall not receive sick leave credit for that month.

C. Accumulation

(ART. 16, ATM – 04/24/06)

There shall be payment of accumulated sick leave upon the employee's death, retirement, or ~~his~~their leaving the employment of the Town. When a person leaves the employment of the Town, this employee, or in the case of death the employee's estate, shall be paid twenty-five percent (25%) of the employee's rate of pay for any and all unused and accumulated sick leave. Any employee hired after July 1, 1997, will have sick leave buy back limited to 150 days. No sick leave credit for prior employment will be allowed employees rehired or reinstated after a termination of service other than approved leave of absence.

D. Definition of Incapacity

Sick leave with pay shall be granted to employees only when they are incapacitated for the performance of their duties by sickness, injury or quarantine by health authorities.

E. Commencement

Sick leave will commence on the day notification of the illness is given by the employee, ~~their~~his family, or ~~his~~their physician. Such notification shall be given within one hour of the regular appointed starting time.

F. Evidence of Incapacity

For absence on account of sickness, the department head or the appointing authority may require evidence in the form of a physician's certificate for the necessity for absence, such certificate to give the nature of illness and the expected duration. If such certificate is not filed after request therefor, such absence may be applied, at the discretion of the department head, to vacation leave or leave without pay. The department head shall require such certificate at the end of two weeks of illness and subsequent certificates may be required at the discretion of the department head or the appointing authority.

G. Attendance Record (ART. 12, ATM – 4/30/12)

Every department of the Town shall keep a uniform attendance record on such form as approved and audited by the Comptroller for each employee showing sick leave both accrued and granted. The information on such record shall be transmitted by the head of the department to the Human Resource Board upon request.

H. Part-Time Employees

Part-time employees whose hours of work follow a regular schedule will be allowed such proportion of sick leave credit as their actual part-time service bears to full-time service.

I. Coordination with Workers' Compensation

Employees injured on the job and receiving Workmen's Compensation may, upon request, be granted such sick leave allowance payment as will when added to the amount of Workmen's Compensation, results in the payment to them of their full salary, provided they have such sick leave credit.

J. Discretionary Extensions

Discretionary sick leave not exceeding fifteen days may be granted by the appointing authority provided all accumulated sick leave and vacation leaves have been exhausted, and shall be charged against future sick leave credit, provided further that in connection with employees with at least twenty years of service with the Town and in the event of extenuating circumstances as determined by the appointing authority, additional sick leave not to exceed 150 days may be granted, which shall be similarly charged to future sick leave credit.

Section 14. Other Absences

A. Bereavement (ART. 38, ATM - 06/19/2000)

An absence with pay, to the extent necessary but not to exceed five days, shall be granted in case of death of immediate member of an employee's family. Immediate family means spouse, child, father, mother, sister, brother, or grandparents. An absence with pay of one day shall be granted in case of death of an employee's inlaws or grandparents of spouse.

B. Military Service

Any permanent employee of the Town called for an annual tour of duty with the armed forces shall be paid his-one's usual salary for a period not exceeding two calendar weeks and shall be entitled to the same leaves of absence or vacation with pay given to other like employees.

C. Jury Duty

A regular employee called up for jury duty shall be paid an amount to bring his-their salary up to his-their usual rate of pay. Notice of service shall be filed with the department head upon the receipt of a summons.

D. Veteran's Conventions

Leave of absence with pay may be granted by the appointing authority to permanent employees who are authorized delegates to state or national conventions of the following veterans' organizations: American Legion, AMVETS of World War II, Disabled American Veterans, Legion of Valor, Marine Corps League, Military Order of the Purple Heart and Veterans of Foreign Wars.

E. Union Conventions

Leave of absence with pay may be granted by the appointing authority to permanent employees who are authorized delegates of recognized employee organizations for the purpose of attending annual state conventions of their parent AFL-CIO or independent organizations. However, if said employees' regular compensation is paid by the employee organization, then such leave of absence as may be granted by the appointing authority shall be without pay.

F. Maternity

Maternity leave of absence without pay shall be permitted in accordance with the provisions of Section 105D of Chapter 149 of the General Laws of the Commonwealth. A physician's certificate shall be submitted to the employee's department head before the employee returns to work following a maternity leave of absence.

G. Medical Examination

The appointing authority at any time may require a physical and/or a psychiatric examination of an employee to determine said employee's fitness for regular full time duty. Said examination to be performed by a physician or a psychiatrist selected by the appointing authority and at the expense of the Town.

Section 15. Personal Leave

A. One Day per Year as of Right

A personal leave of absence of one day with pay shall be granted to all full-time employees of the Town on January 1 of each year, said personal leave to be in addition to any sick leave or vacation leave to which the employee is entitled and time of allowance of said leave to be at the discretion of the department head after receiving reasonable notice from the employee. Said personal day cannot be used during the first six (6) months of employment.

B. Personal days for Good Sick Leave Record (ART. 86 ATM 6/16/97)

1. Employees who do not use sick leave shall be granted personal leave without loss of pay up to five (5) days per calendar year in accordance with the following:

Employees who do not report out sick from January 1 to March 31, shall receive one (1) additional day. Employees who do not report out sick from April 1 to June 30, shall

receive one (1) additional personal day. Employees who do not report out sick from July 1 to September 30, shall receive one (1) additional personal day. Employees who do not report out sick from October 1 to December 31, shall receive one (1) additional personal day.

In addition to the foregoing, those employees who do not report out sick more than four (4) days during the calendar year shall receive one (1) additional personal day.

2. Personal day earned for good sick leave record may not be accumulated beyond one year from the day of its being credited.

Employees while receiving workers' compensation shall not be eligible for personal days under this program.

Section 16. Holidays (ART. 44, ATM 06/16/97) (ART. 17, ATM 05/30/07)

In order to qualify for holiday credit, a regular employee shall have worked on the last regularly scheduled work day prior to, and the next regularly scheduled work day following such holiday, unless it is an absence for which compensation is payable as provided under this by-law.

The following days in each year shall be considered as holiday credits:

New Year's Day, Martin Luther King Day, Washington's Birthday, Patriot's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Christmas, Christmas Eve Day if same falls on a Monday through Friday.

Whenever a holiday falls on Saturday, another working day off with pay shall be arranged at the discretion of the department head.

Good Friday shall be considered as half day holiday credit. The day following Thanksgiving shall be treated as a holiday unless an employee is scheduled to work same by the department head in which event the employee will be granted another day off at the discretion of the department head.

Section 17. Proposition 2½ Cutbacks (ART. 12, ATM – 4/30/12)

Deleted

Section 18. Deferred Salary Increases
(ART. 44 ATM 06/20/84) (ART. 67, ATM 06/21/93)

Effective July 1, 1984, a deferred salary increase to any employee upon leaving the upon leaving the employment of the Town after July 1, 1984 (provided that the employee was employed by the Town on or before July 1, 1984); and that said deferred increase shall be granted on the date of separation so that the average salary of the employee's last three years will be equal to the average salary of the last three years as if an actual 5% salary and wage increase was granted on July 1, 1984. This provision shall be implemented and funded notwithstanding any existing or future position classification and pay plan and Section 19 of Title I Article 6 of the Town bylaws. Any amount necessary to fund this provision shall be taken from existing or future budgets.

Effective July 1, 1991 a deferred salary increase to any employee upon leaving the employment of the Town after July 1, 1993, (provided that the employee was employed by the Town on January 1, 1993) and that said deferred increase shall be granted on the date of separation so that the average salary of the employee's last three years will be equal to the average salary of the last three years as if an actual 2% salary and wage increase was granted on July 1, 1991, i.e. a six percent (6%) adjustment made to last paycheck if employee leaves after July 1, 1994.

Section 19. Merit Compensation Plan

Schedule M, Merit Compensation Plan (Special Town Meeting - 4/28/75).

Section 20. Personnel Department

Various personnel and personnel-related functions may be consolidated in the Personnel Department for the purposes of efficiency and cost-effectiveness. Nothing in the foregoing, however, shall be construed to derogate or diminish the statutory duties, powers and responsibilities of the Arlington Contributory Retirement Board as established by Chapter 32 of the General Laws.

Section 21. Benefits for Town Treasurer/Collector and Town Clerk
(ART. 24, STM 11/17/93)

Notwithstanding the fact that the elected positions of the Town Treasurer/ Collector and Town Clerk are not included in the Classification and Compensation Plans, those individuals who are elected to same shall be entitled to vacation leave and sick leave as provided in Title I, Article 6, Sections 12 and 13, respectively to the same extent as if said positions were so included.

It is the intention of the Town that any person having occupied the position of Town Clerk and Treasurer/Collector since the Annual Election in February of 1984 shall be entitled to the accumulation of sick leave as provided by Title I, Article 6, Section 13 retroactive to the date of their first having been elected to the position of Clerk and Treasurer/Collector respectively. All effected officials shall certify the number of days accrued to date to the Personnel Director and thereafter on a yearly basis.

Said elected officials shall likewise be entitled to all provisions of Section 14, 15, 16, 17, 18, 22A, and 22B, of this Article, as applicable, and the longevity benefit shall be the same as provided for positions in Schedule M of the Classification and Compensation Plan.

Section 22. Other Regulations

A. Lunch Period

The lunch period shall not exceed one hour.

B. Record of Payments

All payments made for any absence, regardless of nature, will be so noted on the payroll and employee's attendance record. The department head shall be responsible for the accuracy of such record.

C. No Conflict

Nothing in this By-Law shall be construed to conflict with the General Laws of the Commonwealth of Massachusetts.

ARTICLE 7: FINANCE COMMITTEE

Section 1. Composition

The members of the Finance Committee shall be appointed for terms of three years each. In any year when the term of any member expires, ~~his~~ their successor shall be appointed for a term of three years. The said terms shall expire on the seventh day after the final adjournment of the annual town meeting but the members shall respectively continue to act as such until their successors are appointed.

Section 2. Absences

If any member of the Finance Committee is absent from three or more successive meetings, the other members of the committee may by the affirmative vote of each of a majority of its members request the Appointing Committee to remove such absenting member from their ~~his~~ membership and the Appointing Committee may thereafter by a majority vote so remove such member and may notify him by mail of such removal. The Appointing Committee shall then promptly fill the vacancy so created by appointing a successor for the remainder of the term for which such member was appointed.

Section 3. Eligibility

(ART. 5, STM 11/30/1988) (ART. 15, ATM 04/29/1992)

No person holding either elective or appointive town office other than Town Meeting membership and no town employee shall be eligible to serve on said committee. Provided however, that nothing herein shall prohibit a member of said committee from serving on another committee, board or commission when such service is required by a provision of the Bylaws or a vote of the Town Meeting.

Section 4. Duties

The committee shall consider all articles contained in any warrant except articles on zoning upon which the zoning by-law requires a report to be made to the Town by the Planning Board and those articles which do not require or request an appropriation of money, which articles shall be considered and a report made to the Town by the Board of Selectmen.

Said committee shall make recommendations, and shall report in print, if possible at or prior to each town meeting, but the omission of said committee so to consider, recommend and/or report shall not affect the validity of any vote or other action at any town meeting. The committee shall also make such general suggestions, criticisms and recommendations as it may deem expedient. Nothing contained in this section shall preclude the Committee from considering, if it sees fit, articles which do not require or request an appropriation of money.

Section 5. Transfer of Funds

At the request of the Town Manager, Board of Selectmen, Board of Assessors, Treasurer, Comptroller, Clerk, or Retirement Board, the Finance Committee may by majority vote authorize a transfer of funds within a department budget between personal services, expenses, and capital outlay, notwithstanding the fact that a sum certain for said line items has previously been voted by Town Meeting, provided, however, that no such transfer shall be made to fund salary increases. The committee shall have authority to vote transfers from the reserve fund as provided in Section 6 of Chapter 40 of the General Laws as amended.

Section 6. Audit Power

The committee shall have power and authority to examine the books and records of any town board or official, so far as the same is permitted by law, and all boards and officers shall submit to the committee, at the same time they are submitted to the Town Accountant, copies of their estimates for the ensuing year in budget form.

Section 7. Executive Secretary

The Finance Committee shall annually appoint a person who is not one of its members as executive secretary for the term of one year. The said Committee shall define ~~their~~his duties and fix ~~their~~his salary.

Section 8. Officers and Vacancies

Except as herein otherwise provided, the committee shall have power to elect its own officers. All vacancies in the membership of said committee shall be filled by the Appointing Committee. (See Town Manager Act, Section 33)

ARTICLE 8: DISPOSAL OF TOWN PROPERTY (ART. 18, ATM - 04/26/17)

No official or employee of the Town shall dispose of any material or other personal property belonging to the Town without permission being granted by a vote of the Town, subject to the following exception.

Any department, board, or committee of the Town may sell or otherwise dispose of scrap material or other discarded personal property belonging to the Town which is within the jurisdiction or control of such department, board, or committee, provided such department, board, or committee in its sound discretion first determines that a just and reasonable value for such property does not exceed \$500.

A. Disposal of Material and Personal Property

No official or employee of the Town shall dispose of any material or other personal property belonging to the Town without permission being granted by a vote of the Town, subject to the following exception.

Any department, board, or committee of the Town may sell or otherwise dispose of scrap material or other discarded personal property belonging to the Town which is within the jurisdiction or control of such department, board, or committee, provided such department, board, or committee in its sound discretion first determines that a just and reasonable value for such property does not exceed \$500.

B. Disposal of Real Property and Related Interests

In addition to other applicable state law requirements, the Town must determine the value of any recorded real property interest, including leases, mortgages, preservation restrictions, easements, and/or profits a prendre before disposing of same whether by sale, abandonment, or other permanent disposal, by using procedures customarily accepted as valid by the appraising profession. The Town may hire an appraiser, but it is not required to do so.

The provisions of this subsection shall be construed to apply even to those recorded property interests or instruments which do not require appraisal under state law.

ARTICLE 9: COMMUNITY ANTENNA TELEVISION

Section 1. Definitions

The following terms shall, for the purpose of this section, have the following meanings, unless the context otherwise requires:

"Person" shall include a natural person and every form of organization incorporated or unincorporated, except the Town of Arlington.

"Community antenna television system" or "CATV system," a facility which receives and amplifies the signals broadcast by one or more television stations and redistributes such signals to subscribing members of the public for a fixed or periodic fee, employing wires or cables passing along, over, under, across and upon streets, ways, lanes, alleys, parkways, bridges, highways and other public places, including property over which the town has an easement or right-of-way; it includes facilities which in addition to providing such reception, amplification and redistribution, are also used to originate and distribute program material and transmit any other intelligence by electronic impulses to such subscribers.

"Permit" shall mean any license, franchise, or other form of permission granted, for the establishment of CATV system.

Section 2. Town Authorized to Establish CATV System

Notwithstanding the foregoing, the town, acting by and through the Board of Selectmen, under the authority of Section 6 or Article LXXXIX of the Amendments to the Constitution of the Commonwealth, is hereby authorized to establish and maintain a CATV system. The Selectmen may contract for or employ such persons as it deems necessary to establish, manage, operate or maintain the whole or any part of a CATV system, and to compensate persons for any services rendered or property delivered, provided that such compensation remains subject to appropriation by the town meeting and any borrowing remains subject to the laws relating thereto; and further provided that ownership of the assets shall not be alienated.

Section 3. Purpose and Severability

The purpose of this section is to preserve and promote the peace, good order, safety, health, convenience and general welfare of the town. If any part thereof is held invalid, such invalidation shall not affect any other part.

ARTICLE 10: CIVIL DEFENSE

Section 1. Department of Civil Defense

There is hereby established a department of civil defense (hereinafter called the "department"). It shall be the function of the department to have charge of civil defense as defined in Section 1, Chapter 639, Acts of 1950 and to perform civil defense functions as authorized or directed by said chapter or by any and all executive orders or general regulations promulgated thereunder, and to exercise any authority delegated to it by the governor under said Chapter 639.

Section 2. Director of Civil Defense

The department shall be under the direction of a director of civil defense (hereinafter called the "director") who shall be appointed as prescribed by law. The director shall have direct responsibility for the organization, administration and operation of the department, subject to the

direction and control of the appointing authority, and shall receive such salary as may be fixed from time to time by the appointing authority. The director, may, within the limits of the amount appropriated therefor, appoint such experts, clerks and other assistants as the work of the department may require and may remove them, and may make such expenditures as may be necessary to execute effectively the purposes of Chapter 639, Acts of 1950. The director shall also have authority to appoint district coordinators and may accept and may receive, on behalf of the town, services, equipment, supplies, materials or funds by way of gift, grant or loan, for purposes of civil defense, offered by the federal government or any agency or officer thereof or any person, firm or corporation, subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer. The director shall cause appropriate records to be kept of all matters relating to such gifts, grants or loans.

Section 3. Civil Defense Advisory Council

There is hereby established a civil defense advisory council (hereinafter called the "council"). Said council shall serve without pay and shall consist of the director of civil defense, such other department heads and such other persons as the authority appointing said director may deem necessary, Such member of said council as said appointing authority shall designate shall serve as chairman of said council. Said council shall serve subject to the direction and control of the appointing authority and shall advise said appointing authority and the director on matters pertaining to civil defense.

Section 4. Police Aid to other Cities and Towns in Event of Riots or other Violence Therein

The police department is hereby authorized to go to aid another city or town at the request of said city or town in the suppression of riots or other forms of violence therein.

Section 5. Termination of By-Law

This By-Law shall remain in force during the effective period of Chapter 639, Acts of 1950 and any act in amendment or continuation or substitution therefor, or until repealed by a two-thirds vote of a representative town meeting duly called for such purpose.

Section 6. Definition

All references to Chapter 639, Acts of 1950, as now in force, shall be applicable to any act or acts in amendment or continuation of or substitution for said Chapter 639.